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Senior Policy Advisor
Ministry of the Environment, Conservation and Parks
Climate Change and Environmental Policy Division
Resource Recovery Policy Branch
40 St. Clair Avenue West, Floor 8
Toronto, Ontario
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Dear Mr. Gable,

RE: Administrative Penalties Regulation made under the Resource Recovery and Circular Economy Act, 2016 – EBR Registry Number: 019-0045

The Association of Municipalities of Ontario (“AMO”), the City of Toronto, the Regional Public Works Commissioners of Ontario (“RPWCO”) and the Municipal Waste Association (“MWA”) collectively submit these comments on behalf of municipal governments regarding EBR Registry 019-0045 on the Administrative Penalties Regulation made under the Resource Recovery and Circular Economy Act, 2016. We appreciate the government is taking this important step forward with the Resource Recovery and Circular Economy Act, 2016.

Municipal governments have strongly supported the move to performance-based recycling regulations to drive better economic and environmental outcomes. However, this market-based approach requires there to be clear consequences for non-compliance and we are supportive of this regulation coming forward to support this.

Our early learnings with regulations under the Resource Recovery and Circular Economy Act, 2016, have demonstrated that performance-based regulations can only be successful if:

- The outcomes are set high to change behaviours and drive innovation and economic activity.
- The performance targets established are measurable and enforceable (e.g., exemptions, deductions and credits all can add complexity and make targets difficult if not impossible to enforce).
- The Regulator has the resources, expertise and will to monitor performance to ensure those that regulated actors are compliant.

- There are stepped regulatory compliance mechanisms in place and used to ensure there are meaningful consequences for non-compliance.

Section 11 sets out that there are no penalties for “best efforts” provisions. This should be amended to state that penalties do apply if best efforts are not attempted for other RRCEA requirements such as producers who fail to register with RPRA or fail to establish a collection system as required by regulations. Best efforts should see producers taking, in good faith, all reasonable steps meet the requirements of the regulation. And failure to comply with this standard should result in enforcement and penalties similar to other provisions and requirements.

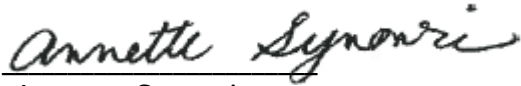
These elements are not red tape but a clear basis for majority of performance-based regulations. This regulation helps to ensure the Resource Productivity and Recovery Authority has the compliance tools they need to effectively do their job. Municipal governments support this regulatory change and seek that the government expedite its approval.

Again, thank you for the opportunity to provide feedback and please contact us if you have any additional questions.

Sincerely,



Dave Gordon
Senior Advisor, Waste Diversion
Association of Municipalities of Ontario



Annette Synowiec
Director, Policy, Planning & Outreach
Solid Waste Management Services
City of Toronto



Kealy Dedman
Chair, Regional Public Works
Commissioners of Ontario



Melissa Kovacs-Reid
Chair, Municipal Waste Association

cc: Charles O'Hara, Director, Resource Recovery Policy Branch, Ministry of the Environment, Conservation and Parks